




# Clayton County Police Department PROCEDURES

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| Subject<br><b>BREATHALYZER ROOMS</b>   |                                | Procedure #<br><b>B19</b>  |                         |
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## I. PURPOSE:

The purpose of this policy is to establish guidelines for the temporary detention of detainees who are transported to a Department facility to take a state administered breath test pursuant to a driving under the influence (DUI) arrest.

## II. POLICY:

It shall be the policy of the Clayton County Police Department that officers will maintain constant supervision of any detainee that is taken into custody and/or transported to a Department facility for processing (i.e., breath test).

## III. DEFINITIONS:

**Booking:** A procedure for admitting to a holding facility a person charged with an offense; includes searching, fingerprinting, photographing, medical screening, collecting personal history data, and inventorying and storing a person's property.

**Constant Supervision:** The direct, personal supervision and control of a detainee by the attending officer who can immediately intervene on behalf of the Department or the detainee.

**Custody:** Legal or physical control of a person in an area or facility or while in transit; legal supervisory, or physical responsibility for a person.

**Detainee:** A person in custody of Department personnel and whose freedom of movement is at the will of Department personnel.

Holding Facility: A confinement facility outside of a jail where detainees are housed, receive meals, and can be detained for periods involving days and overnight stays for a period of not more than seventy two (72) hours, excluding holidays and weekends.

Intake: The point at which a juvenile offender enters the juvenile system. Intake may be initiated on request of the law enforcement agency, but the intake process is generally supervised by a probation agency, juvenile court, or special intake unit.

Jail: A confinement facility where detainees are housed in excess of seventy two (72) hours.

Processing: Includes pre-booking activities (e.g., fingerprinting, photographing, testing, interviewing, inventory of property, etc.) involving detainees in custody, after which detainees may be either released from custody by one of several means or be escorted to a holding facility, at which time they would be booked.

Processing Room: A processing room, also referred to as a testing room, is defined as a room or area used by sworn personnel to process detainees.

Temporary Detention: Measured in hours and does not involve housing or feeding detainees except in extenuating circumstances.

Temporary Detention Room: A temporary detention room is defined as a location (room or cell) where a detainee is locked in and left unattended, while they are not being processed.

#### IV. PROCEDURE:

- A. General: When an individual is arrested, they are transported to the appropriate detention facility, if possible. When it is necessary, detainees may be taken to an approved Department facility (e.g., headquarters or precinct) for processing, in conjunction with an arrest, prior to being booked into a detention facility.
  1. Officers shall ensure that detainees are restrained at all times until they are transferred to a detention center.
  2. **The Department does not operate a holding facility nor does it maintain or authorize a temporary detention room; hence, officers will maintain constant supervision of any detainee that is taken into custody and/or transported to a Department facility for processing (i.e., breath test).**
  3. All detainees brought to a Department facility for a breath test shall be under the continuous control or supervision of the arresting officer or an officer assigned to guard or process the detainee. At no time will any detainee be left unobserved. If at any time the arresting officer or officer assigned to guard a detainee must leave the detainee's presence, another officer shall be required to maintain visual contact with the detainee until the previous officer has returned.
  4. Detainees shall not be held for more time than it takes to properly process them.

- B. Arrest: After an officer has administered field sobriety tests and/or determined that a driver is impaired, the officer should at that time place the driver under arrest for Driving Under the Influence (DUI).
1. Department-issued and/or approved handcuffs will be applied before the driver (henceforth referred to as detainee) is searched, to prevent escape. The handcuffs should be double locked, with the detainee's hands placed behind the back, thumbs facing upward, and palms facing outward, unless a medical condition or other reason exist.
  2. The arresting officer shall be aware that there are various medical conditions (e.g., head trauma, stroke, diabetes, conjunctivitis "pink eye," shock, multiple sclerosis, cerebral palsy and other conditions) and injuries that may cause individuals to appear to be impaired by alcohol and/or other drugs.
- C. Search of Detainee: The arresting officer will conduct a thorough search of a detainee before being secured and placed inside the transport vehicle.
1. All items in the possession of a detainee shall be thoroughly examined. If a detainee is in possession of any weapons or any other potentially dangerous items (e.g., lighters, matches, etc.), they shall be removed from his or her person.
  2. The detainee will be placed in the rear seat of the transport vehicle and seated upright and secured with a seatbelt. Items carried by the detainee, will be properly secured in the trunk area of the transport vehicle. Disposition of weapons, contraband, or other items removed from the detainee will be made in accordance with Department policy.
- D. Implied Consent Law: Once the detainee is placed under arrest for DUI, the detainee becomes subject to testing procedures under the Implied Consent Law. It is now imperative that officers read the correct Implied Consent Notice, in its entirety and without unnecessary delay to the detainee. The officer must read it understandably and clearly. It must be read exactly as it is printed on the current Implied Consent Notice card that is issued by the Georgia Department of Driver Services.
1. State administered chemical tests will be offered in accordance with the Georgia Implied Consent Law and Department policies and procedures.  
  
For additional information regarding DUI procedures refer to standard operation procedure D42: *Traffic Enforcement*.
- E. Breath Test Operator Request: Whenever an officer requests a detainee to submit to a breath test for alcohol and he or she agrees to submit to such test, the arresting officer will request a breath test operator, if necessary, to respond to a Department facility (e.g., headquarters or precinct locations) to administer the test. If available, the breath test operator will respond to the Department facility that was specified by the arresting officer, to administer the breath test.

- F. Transport of Detainee: When it is necessary to bring a detainee to a Department facility first for processing or testing (i.e. breath test), the detainee shall be transported as soon as possible.
1. The officer will notify the E911/Communications Center and provide the dispatcher with the gender of the detainee, starting mileage on the transport vehicle's odometer and the travel destination (test location).
  2. The officer will notify the dispatcher when he or she arrives at the destination (test location) and will provide the dispatcher with his or her ending mileage.
  3. The officer will document in his or her report where the detainee was transported for a breath test and the time of arrival. The officer's arrival time can be obtained from the Computer-Aided Dispatch (CAD) System.
- For additional information regarding the transport of detainees refer to standard operation procedure D24: *Transportation of Detainees*.
- G. Escorting a Detainee: When walking a detainee from one location to another, the officer will walk behind the detainee and off to the side so that the officer's firearm will be on the side away from the detainee. The officer will be close enough to the detainee to maintain control and prevent attack or escape. The officer will escort the detainee inside the Department facility through an employee entrance that is not accessible by the public.
- H. Detainee Supervision: In any circumstance, the detainee will remain under constant supervision of the arresting officer, or any other officer assigned to watch the detainee, even when it becomes necessary to allow the detainee the use of a toilet.
1. Two (2) officers will escort a detainee to the restroom to prevent escape. Circumstances may dictate that same gender officers accompany the detainee inside the restroom.
    - a. Before any detainee uses the restroom, an officer will search for and remove from the restroom any items which may be used as a weapon or means of escape.
    - b. Detainees should be instructed not to flush until the officer checks the location. The restroom will be searched prior to allowing a detainee use of the facility and after the detainee has vacated the restroom.
  2. Detainees will be allowed reasonable access to water; meals are not provided.
- I. Department Processing/Testing Areas: The processing/testing areas for a breath test to be administered are the breathalyzer rooms. There is a breathalyzer room located at headquarters and a breathalyzer room located at the Sector 1, Sector 2 and Sector 3 precinct.
1. All rooms utilized for breath tests will be equipped with chairs for detainee and officer use.

2. Detainees of different genders will be separated by sight and sound from one another.
  3. Juvenile detainees will be separated from adult detainees by sight and sound. For additional information regarding juvenile detainees refer to standard operation procedure A10: *Juvenile Procedures*.
  4. Officers will inspect the breathalyzer room for weapons, contraband, or objects that could be used as weapons prior to placing a detainee inside the room and immediately after removal of a detainee from the room. Any issues will be forwarded to the officer's supervisor for notification and subsequent resolution.
  5. Only authorized personnel for work related reasons (e.g., breath test operator, assisting officer) shall be allowed inside the breathalyzer rooms.
  6. Officers may retain custody of their weapons while processing detainees inside the breathalyzer rooms. Officers will use all necessary precautions to prevent a detainee from obtaining control of their firearm. To prevent weapon acquisition by an individual being detained, officers shall practice safe positioning and proximity to the detainee. Officers shall keep their gun side away from the detainee and ensure that the detainee does not have access to other weapons (e.g., OC spray, TASER, baton).
  7. The arresting officer should not remove a detainee's handcuffs at a Department facility unless ordered to so by a supervisor and/or whenever it is necessary. If the detainee is violent, the arresting officer should make sure that adequate personnel are on hand to control the detainee.
  8. Officers will not connect a detainee's restraints to fixed objects, unless an object (e.g., ring or bar) specifically designed and intended for such purpose is installed in the breathalyzer room.
  9. Officers will not leave their detainees unattended in the breathalyzer room or anywhere else inside a Department facility without immediate supervision.
  10. Smoking is not allowed inside any of the Department's breathalyzer rooms, nor is it allowed inside any Department facility.
- J. Recording Equipment: The officer's body-worn camera (BWC) shall always remain activated while the officer is in the presence of the detainee and until the incident has concluded, this means when an arrest is made and when the detainee is transported to a Department and/or detention facility. Video cameras are installed at strategic locations around Department facilities for the safety and security of personnel, vehicles or any potential problems related to Department functions.
- K. Evidentiary Test: The arresting officer will document the name of the officer that administered the breath test and the results of such test.

- L. Transport to Detention Facility: Once the test has concluded, the officer will resume with transporting the detainee to a detention facility.
1. The officer will notify the E911/Communications Center and provide the dispatcher with the gender of the detainee, starting mileage on the transport vehicle's odometer and the travel destination (detention facility).
  2. The officer will notify the dispatcher when he or she arrives at the detention facility and will provide the dispatcher with his or her ending mileage.
  3. The officer will document in his or her report the reason and location, the detainee was brought for processing, and all arrival and departure times associated with such transport. The officer's arrival and departure times can be obtained from the Computer-Aided Dispatch (CAD) System.
- M. Emergency Requests for Assistance: If an officer needs assistance, any means of communication may be used including, but not limited to: portable radio and alert button, telephone and verbal request. Emergency assistance may be requested, if the circumstances require it.
1. An emergency request for assistance involves circumstances that would categorize the request as a Priority 1 incident. For additional information regarding the police response on priority codes refer to standard operating procedure D1: *Patrol Operations*.
  2. To ensure an immediate response, emergency requests (e.g., Signal 63 or Signal 74/73) should be made using the County radio; the officer will notify E911/Communications Center to request assistance. Should circumstances dictate, the Emergency Alert button (also known as the "63" button), may be utilized.
  3. Should a fire or other emergency occur, the arresting officer will notify the E911/Communications Center for assistance. The arresting officer will escort the detainee to the nearest exit. Officers are responsible for ensuring that detainees are properly secured to prevent escape.
- N. Escape of a Detainee: It shall be the responsibility of each officer who takes custody of any detainee to take all prudent and reasonable action to prevent the escape of such detainee. However, should a detainee escape, the officer shall observe the following procedures:
1. Notify the dispatcher immediately at the time of escape.
  2. Provide the dispatcher with the following information:
    - a. Location and time lapse since the escapee was last seen;
    - b. Direction and method of travel, and means of escape;
    - c. Name and thorough description of the escapee, to include if the escapee was wearing restraints;

- d. Notification as to whether the escapee is armed or unarmed;
  - e. The crime with which the escapee was last charged and any pending charges and/or prior history of violence;
  - f. Any accomplices;
  - g. Any probable destination;
  - h. Any other information regarding the safety of others and/or lead to the apprehension of the escapee;
  - i. Try to recapture the escapee as soon as possible; and
  - j. Notify their immediate supervisor as soon as possible.
3. The dispatcher shall broadcast the information to all Department units.
  4. The Uniform Patrol Division Supervisor for the sector where the escape occurred, will direct the Department's response and will ultimately determine when to terminate the search.
  5. A review of the escape incident will be conducted by the involved officer's supervisor.
- O. Training: The Department's Training Unit, will ensure that officers receive training on the proper use of handcuffs and other restraints.
1. Officers have to successfully complete Department-approved training on the use of restraint devices before they are authorized to use such devices. Only Department-authorized restraint devices shall be used.
  2. All restraints will be applied in a manner consistent with accepted police practices and training with emphasis on minimizing the physical discomfort of the detainee while at the same time maintaining officer safety.
- For additional information regarding Department-authorized restraint devices refer to standard operation procedure D26: *Handcuffing and Restraints*.
- P. Inspections:
1. All employees are responsible for maintaining a clean working environment and ensuring that all police facility buildings are safe from any type of hazards. Employees will report conditions requiring attention through the chain of command.
  2. All supervisors are responsible for the ongoing inspection of the general condition, cleanliness, damage, usability, and safety of the Department's facilities and to take corrective action, when possible.

- a. Problems that cannot be corrected by the supervisor should be reported through the chain of command immediately, with a memo describing the problem and recommended solution.
3. Prior to each use, the arresting officer will inspect the breathalyzer room for weapons, contraband, or objects that could be used as weapons prior to placing a detainee inside the room and immediately after removal of a detainee from the room.
  - a. Any issues will be forwarded to the officer's supervisor for notification and subsequent resolution.
4. Monthly
  - a. On a monthly basis an inspection of the breathalyzer rooms located inside Department facilities will be conducted in the following manner:
    - 1) The Captain of the Traffic Unit and/or other Traffic Unit supervisor will inspect the breathalyzer room located at headquarters; and
    - 2) The Uniform Patrol Division Sector Captains and/or other Uniform Patrol Division Supervisor will inspect the breathalyzer rooms located at their precinct.
  - b. The monthly inspection shall be documented and address any problems or potential problems that may exist and a plan to resolve them.
  - c. Once the inspection is completed the information shall be forwarded through the chain of command, filed, and maintained.
5. Annually
  - a. An administrative review of the breathalyzer rooms located inside Department facilities will be conducted annually (once a year) as described below.
    - 1) The Special Enforcement & Training Division Commander will review the breathalyzer room located at headquarters; and
    - 2) The Uniform Patrol Division Commander will review the breathalyzer rooms located at each precinct (Sector 1, 2 and 3). .
  - b. The administrative review should ensure that agency policies and procedures governing breathalyzer rooms are being followed and the use of such areas continue to be adequate for the Department's needs. The administrative review can also disclose more adequate arrangements for the processing testing areas.
  - c. The respective Division Commander will forward the report to the Deputy Chief of Support Operations or to the Assistant Chief of Field Operations and subsequently forwarded to the Chief of Police.